

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

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|---|---|--------------------------|
| DIANA LAYER-ROSARIO and |) | |
| RAMON LAYER-ROSARIO, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | NO. 3:16-cv-00628 |
| v. |) | JUDGE CRENSHAW |
| |) | |
| ALLIED MORTGAGE CAPITAL, et al., |) | |
| |) | |
| Defendants. |) | |

AMENDED ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge, to which Plaintiffs filed timely objections.¹ (Doc. No. 46.) The Court has reviewed the Report and Recommendation, Plaintiffs' Objections, and conducted a de novo review of the record. The Objections are **OVERRULED**. The Court will not dismiss the case without prejudice because Plaintiffs' claims against the served Defendants fail as a matter of law, as explained in the Report and Recommendation. Therefore, the Report and Recommendation is **ADOPTED**.

Accordingly, Bank of America's Motion to Dismiss (Doc. No. 13) is **GRANTED**. Rushmore Loan Management Services, LLC, and Wilmington Savings Fund Society's Motion to Dismiss (Doc. No. 28) is **GRANTED**. Bayview Loan Servicing, LLC's Motion to Dismiss (Doc.

¹ This case lends further support to the old saying that lawyers can't do math. See Posner: Lawyers Bad at Math are an Increasing Concern; Inmate's Blood-Pressure Suit Shows Why, ABA JOURNAL (Oct. 29, 2013), available at http://www.abajournal.com/news/article/posner_math_block_lawyers_an_increasing_concern_inmates_blood_pressure_suit ("Innumerable are the lawyers who explain that they picked law over a technical field because they have a 'math block"). All four sets of attorneys representing defendants in this case that filed a response to Plaintiff's Objections stated that the objections should be overruled as untimely. (Doc. Nos. 49, 50, 51, 52.) The Magistrate Judge issued her Report and Recommendation on January 25, 2017, and stated that objections must be filed within fourteen days of service of the Report and Recommendation. (Doc. No. 46 at 12.) As Plaintiffs are pro se, so they must be served by United States mail, three days are added for service. FED. R. CIV. P. 6(d). Seventeen days after January 25 is Saturday February 11, 2017. Because the period ends on a Saturday, the period continues to run until the next business day. FED. R. CIV. P. 6(a)(2)(C). Therefore, the period ended on February 13, 2017, which is the date Plaintiffs' objections were file-stamped by the Clerk's office. (Doc. No. 48.)


No. 39) is **GRANTED**. All claims against the foregoing defendants are **DISMISSED WITH PREJUDICE**.

All claims against Avena a/k/a 365 Lender Services, LLC, are sua sponte **DISMISSED WITH PREJUDICE** without objection.

All claims against Allied Mortgage Capital Corp. and National City Mortgage Corp. are **DISMISSED WITHOUT PREJUDICE** without objection for insufficient service.

The Clerk shall enter judgment in accordance with Federal Rule of Civil Procedure 58.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
UNITED STATES DISTRICT JUDGE